

MDL 1849

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DOCKET NO. 1849

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE C.H. ROBINSON WORLDWIDE, INC., OVERTIME PAY LITIGATION

**BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.
FREDERICK MOTZ, ROBERT L. MILLER, JR.,* KATHRYN H. VRATIL,
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**

TRANSFER ORDER

Before the Panel is a motion brought, pursuant to 28 U.S.C. § 1407, by plaintiffs in the 100 actions listed on Schedule A and two additional actions for coordinated or consolidated pretrial proceedings of these actions in the Northern District of Illinois or, in the alternative, the District of Minnesota.¹ Lone defendant C.H. Robinson Worldwide, Inc. (CHRW) opposes the motion. After their initial submissions to the Panel, all parties filed a joint pleading with the Panel requesting transfer for the limited purpose of obtaining settlement approval in the Northern District of Illinois or, alternatively, the District of Minnesota.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these actions involve one or more common questions of fact, and centralization under Section 1407 in the District of Minnesota will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. The actions involve similar allegations that certain employees of CHRW are entitled to compensation under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.* Centralization under Section 1407 is necessary in order to conserve the resources of the parties, their counsel and the judiciary, particularly with respect to settlement approval. We decline to circumscribe the breadth of the pretrial proceedings as requested by the parties, instead leaving such matters to the discretion of the transferee judge. Whenever the transferee judge deems remand of any

* Judge Miller took no part in the decision of this matter.

¹ Plaintiffs initially included 102 actions in their motion, but later amended the schedule to exclude the 28 Northern District of Illinois actions that were closed and pending transfer under 28 U.S.C. § 1404(a) at that time. Two of these actions remain in that status. Because all parties are represented by common counsel and have filed pleadings stating their positions before the Panel, 100 actions are encompassed by this order. The remaining two actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

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claims or actions appropriate, procedures are available whereby this may be accomplished with a minimum of delay. *See* Rule 7.6, R.P.J.P.M.L., 199 F.R.D. at 436-38.

We are persuaded that the District of Minnesota is an appropriate transferee forum for this docket. This is the district in which approximately one-fourth of the actions are now pending. Also, the transferee judge to whom we are assigning this litigation has developed a familiarity with the issues, parties, and counsel involved in these actions through presiding over two related actions for the past five years.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the District of Minnesota are transferred to the District of Minnesota and, with the consent of that court, assigned to the Honorable Joan N. Ericksen for coordinated or consolidated pretrial proceedings with the actions pending in that district and listed on Schedule A.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "Wm. Terrell Hodges", written over a horizontal line.

Wm. Terrell Hodges
Chairman

SCHEDULE A

MDL-1849 -- In re C.H. Robinson Worldwide, Inc., Overtime Pay Litigation

Northern District of Alabama

Donna Eddy, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:06-4926
Jacqueline Burt, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-630
Brenda Mitchell, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-730

Eastern District of Arkansas

Tammy L. Gately, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-290

Central District of California

Mimi Vuong v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1428
Nancy Austin, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 8:07-301
Kent Alles, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 8:07-571

Eastern District of California

Gladys Garcia, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-157
Scott D. Hyder, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-665

Northern District of California

Kimberly Elam, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-475

Southern District of California

Bryce A. Amburn, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-650

District of Colorado

Mari A. Danielson, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-602

Middle District of Florida

Natesha M. Hyde v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-208
Tracy L. Buglione, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-228

Southern District of Florida

Celeste A. Hernandez, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-60504
Maria Teresa Diaz, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-21033

Northern District of Georgia

Terri Kuvach, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-328
Lynn A. Amorose, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-951

Central District of Illinois

Heidi Michelle Poepsel v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-1101

Northern District of Illinois

Evelyn Sparks, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6461
Angela L. Jacobson v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6465
Anne K. Ciaglia, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6507
Joann M. McGill, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6510
Craig Bowen, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6516
Lynette DiNova, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6545
Joanna Elke, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6552
Roy Rogenic, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6553
Michael Blackburn v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6563
Sharon K. Dodson-McDonald, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6564
Brendan M. Clarke, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6581
Amber Vandersommen, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6582
Leslie Nemelka, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6623
Ariel B. Crotty, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6630

Southern District of Indiana

Catherine A. Wilcox v. C.H. Robinson Worldwide, Inc., C.A. No. 3:06-197

Southern District of Iowa

Arlene J. Murray, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-141

District of Kansas

Kimberly K. Bethel, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-2129
Lisa M. Quigley, et al v. C.H. Robinson Worldwide, Inc., C.A. No. 6:07-1063

Eastern District of Louisiana

Morgan J. Wood, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1269

Western District of Louisiana

Richard Cahn, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-776

District of Massachusetts

Cheryl D. Braithwaite, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-12278

Eastern District of Michigan

Carla M. Strugala v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-10767

Jennifer L. Alfano, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-11604

Western District of Michigan

Susan J. McGowan, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-361

District of Minnesota

Jamie L. Benner, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4640

Justin Accola, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4643

Jeffrey Cichosz, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4644

William F. Holmberg, Jr. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4645

Elizabeth Marianne Buck, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4646

Penny M. Cantazaro, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4647

Kathy Cota, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4648

Jill K. East, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4649

Kathleen L. Hambleton, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4650

Elizabeth Hopp v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4651

Joann F. Larson v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4652

Kelley S. Lyons, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4653

Kimberly M. Martineau, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4654

Sandra Steinmetz, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4655

John Gino Giovannoni v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4960

Sally J. Dowden, et al., C.H. Robinson Worldwide, Inc., C.A. No. 0:07-89

Amelia M. Alfaro, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-90

Jennifer L. Alfano, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-251

Claudia Alicia Martinez, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-542

Jennifer N. Mcinnis v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-544

District of Minnesota (Continued)

Beth Shaw, et al v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-595
Shannon Davis v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-1119
Esther Nevarez, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-1563
Nora Hageman, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-1870
Patricia A. Parrish, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-1912
Shannon D. Anderson, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-2749
Christopher L. Sims, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-2878

Eastern District of Missouri

Heather Lee Markle, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-428

Western District of Missouri

Leslie D. Birdwell, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 6:07-3193

District of Montana

Jason S. Galloway v. C.H. Robinson Worldwide, Inc., C.A. No. 9:07-45

District of Nebraska

Sharon Haack v. C.H. Robinson Worldwide, Inc., C.A. No. 8:07-130

District of New Jersey

Christine M. Doto, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1382

District of New Mexico

Dirk Keisesr, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-392

District of Nevada

Debra J. Wentworth v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-145

Northern District of New York

Laura J. Jeneault, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-656

Western District of New York

Timothy W. Baierlein, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-182

Western District of North Carolina

LaToya R. McCants, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-252

Northern District of Ohio

Julie Gallagher, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-846

Western District of Oklahoma

Timothy J. Bumgarner, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-278

District of Oregon

Allison M. Cassie, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-333

Eastern District of Pennsylvania

Richelle Maki, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1238

Jennifer L. Walker, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1355

Western District of Pennsylvania

Wallace Kip Guenther, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-495

District of South Carolina

Rodney Brewer, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:06-3595

Erika DeRoberts, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 6:07-958

District of South Dakota

Angela K. Smoot v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-4038

Eastern District of Tennessee

Carolyn Baker Hall, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-46

Middle District of Tennessee

Kari S. Johnson, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-454

Western District of Tennessee

Rhea L. Nadler, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-2228

Eastern District of Texas

Aaron Smith, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-1

Northern District of Texas

Stephanie Smith, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-409

Western District of Texas

Adelita Dickson, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-186

District of Utah

Jason K. Bergquist, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-262

Eastern District of Virginia

Thea Winterbottom, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-390

Eastern District of Washington

Kim M. Flowers, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-104

Western District of Washington

Wendy L. Ferger, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-705

Eastern District of Wisconsin

Kelly K. Hoell v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-267